

HB 521 -- MIDWIFERY

SPONSOR: Bahr

This bill changes the laws regarding midwifery. In its main provisions, the bill:

- (1) Adds a licensed midwife and a certified professional midwife to the list of professionals who must collect the appropriate specimens to be submitted to the Department of Health and Senior Services in order to test newborns for metabolic and genetic diseases; who must report all diagnosed cases of specified metabolic or genetic diseases; and who must provide an educational information packet about the specimen and screening, obtain the written refusal of the parents of any child who fail to have the test, and make the refusal part of the child's medical record;
- (2) Requires a licensed midwife, certified professional midwife, or certified nurse midwife to provide the medical information for the birth certificate and certify to the facts of the birth within five days after the birth and specifies that a certificate of birth or report of fetal death filed by a midwife licensed in this state as the certifier of the birth certificate cannot require the signature of a notary or any other witness;
- (3) Establishes the Board of Midwifery in the Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration. The six-member board is to be appointed by the Governor with the advice and consent of the Senate. The powers, duties, terms, and membership of the board are specified in the bill;
- (4) Requires an applicant to provide evidence of current certification as a certified professional midwife by the North American Registry of Midwives and current certification in basic life support for health care providers and neonatal resuscitation, pay the required fee, and comply with the written disclosure statement requirement that must be provided to every client regarding the midwife's education, training, insurance coverage, and other specified information;
- (5) Requires a licensee to attend at least 10 hours of continuing education and at least three hours of peer review every year in order to be eligible for license renewal which will be for a three-year period;
- (6) Authorizes the board to refuse to issue or renew a certificate of registration or authority, permit, or license for specified causes. The board must notify the applicant in writing of the

reasons for the refusal and advise him or her of his or her right to file a complaint with the Administrative Hearing Commission. The board may cause a complaint to be filed with the commission against the holder of any required certificate of registration or authority, permit, or license or any person who has failed to renew or has surrendered his or her certificate, authority, permit, or license for specified causes and may take specified actions if the commission finds that the grounds for disciplinary action are met;

(7) Authorizes the board to establish fees at a level to produce revenue that does not substantially exceed the costs of the administration of the provisions of the bill. Moneys collected must be deposited into the newly created Board of Midwifery Fund;

(8) Requires every licensed midwife to present each client with a written disclosure statement regarding his or her education, training, licensure, insurance coverage, and other specified information that must be signed by the client and kept by the midwife in the client's records;

(9) Specifies that a licensed midwife or certified professional midwife providing a service of midwifery must not be deemed to be engaged in the practice of medicine, nursing, nurse-midwifery, or any other medical or healing practice;

(10) Prohibits a physician, nurse, emergency medical technician, hospital, other midwife, or its agent from being liable for any civil damages for any act or omission when providing medical care or treatment for a woman or infant arising during childbirth as a consequence of the care received by a licensed midwife unless the act or omission was the result of negligence or willful misconduct or the failure to exercise ordinary care on the part of the medical provider;

(11) Requires a licensed midwife to be reimbursed for pregnancy, childbirth, and newborn services under the MO HealthNet Program at the same compensation rate as a physician;

(12) Requires the Department of Health and Senior Services to maintain and publish on its website specified prospective statistics on delivery outcomes for all live births and fetal deaths occurring in this state and sorted by provider distinction;

(13) Prohibits a licensed professional midwife from prescribing drugs; performing vacuum deliveries, medical inductions, cesarean sections, or abortions; or using forceps during a delivery;

(14) Repeals the provision specifying that anyone who engages in the practice of midwifery other than a licensed physician will be

guilty of the unlawful practice of medicine;

(15) Repeals the provision requiring the State Board of Registration for the Healing Arts to register, license, and supervise all midwives in the state; and

(16) Repeals the obsolete provision specifying that all persons licensed as of August 29, 1959, must be deemed to be licensed as midwives and subject to the provisions regarding physicians and surgeons, therapists, athletic trainers, and health care providers.

Any person violating the provisions of the bill or any rule established or order made under the provisions of the bill will be guilty of a class A misdemeanor.